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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,088	06/16/2000	Babamoto Kenneth	PC11049	2239

23913 7590 09/19/2002

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EXAMINER

NGUYEN, DINH X

ART UNIT PAPER NUMBER

3626

DATE MAILED: 09/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,088

Applicant(s)

KENNETH ET AL.

Examiner

Dinh X. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: there is no brief description for figure 15 of the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 at paragraph (c) (ii) line 3, "advisors" lack antecedent support. It appears that this is a typographical error and should be changed to --providers--.

Claims 2-9 depends on claim 1 and are therefore rejected for the same reason.

For claims 7 and 9, the language does not further define the system. The claim language is based on intended use. For example, in claim 9, the claim says that wherein the user is assigned a role of monitoring, etc. How the user is categorized or classified does not further define the system here, especially when the claim is drawn toward a system instead of a method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, USPN 6,283,761 in view of McIlroy et al., USPN 5,953,704, Lavin et al., USPN 5,772,585, or Iliff, USPN 6,206,829.

As per claim 1, Joao discloses a system for assisting in developing, administering and monitoring healthcare plans having multiple conditions, said system permitting the viewing of data organized from a plurality of perspectives including at least the perspectives of patients, healthcare providers and tasks to a patient's healthcare plan to be administered by the providers (col. 2 lines 38-45), the system comprising:

- (a) a processor having associated input, memory and display means (abstract);
- (b) the memory means (figures 2-6) being capable of retrievably storing data comprising (i) patient records having multiple fields of health-related data for each of the plurality of patients, (ii) health plan data, (iii) patient demographics, (vi) information about a plurality of healthcare providers and (v) healthcare tasks relating to each patient and assigned providers (figure 9B);
- (c) the display means (figures 2-6) capable of displaying at least

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(i) a task view that presents a list of tasks scheduled for accomplishment by a provider during a selected time period (col. 5 lines 19-54; col. 6 lines 14-200;

(ii) a provider view (figure 14A item 1408) that presents, at the user's option, either a list of providers (col. 10 lines 14-19 where it is indicated that a user would locate insurance companies which therefore likely to include providers; col. 2 lines 38-45) and a first body of information about each provider or a second, more extensive, body of information about a particular one of said advisors (examiner interprets "advisors" as "providers" here);

(iii) a patients view that presents, at the user's option, either a list of patients and associated general information or individual patient records, each patient record comprising a plurality of fields of healthcare-related data viewable, at the election of the provider, from a perspective of one or more of the group of aspects comprising demographics, enrollment data, medication, clinical information, notes, care plan and task list (col. 4 lines 11-57; col. 6 lines 45-52 where tracking and processing of claims are described which therefore includes tracking of duties and tasks relevant to medical needs as these are required in claims processing);

(d) means including the input means (figures 2-6) for entering into the memory means a new or modified patient record comprising health-related data collected during a patient interaction with the user, the record including at least demographic data, healthcare history, appointment notes, clinical notes and care plan actions, the care plan actions including at the user's options, the assigning of a provider to the patient based on data received during a patient interaction (col. 4 lines 11-57); and

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(e) means responsive to selection of a care plan by a user for retrieving from the memory means and presenting on the display means guidelines (figure 15A item 1506) and possible interventions for a patient from the various care plans, wherein said care management plan can be uniquely created by said user for said plurality of patients having at least one health condition (col. 3 lines 11-57).

See also col. 7 line 61 to col. 8 line 52; col. 9 line 1 to col. 10 line 67; col. 29 lines 4-15 for evaluating a provider. As to Applicant's claims, Joao discloses a method and system for providing a wide range of services and information to a wide range of medical users including patients, providers, doctors, health insurance companies, etc. Joao does not explicitly disclose multiple views such as specific task views, provider views, patient views, etc. although it is explicitly disclosed that specific tasks and services are provided for different users such as patients, doctors, providers, health insurance companies, etc. However, Examiner takes official notice that specific views such as the use of electronic folders are well known in the computer art. For example, Microsoft Windows and Microsoft Outlook provides folders for organizing data and for viewing such. Other examples include McIlroy et al. (figures 10+), Lavin et al. (figures 7+) and Iliff (see entire disclosure) which teaches using different views, medical guidelines, folders, different tasks, specific in the medical profession for the motivation of providing organized information and services to medical needs. Thus, it would have been obvious to one of ordinary skill in the art to use folders, specific views, specific tasks organized for specific services and users, as taught by McIlroy et al., Lavin et al.

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or Iliff, to the system and method of Joao, in order to provide organized information and services specific to the user.

Dependent claims 2-9 are based on specific tasks and means for such and are provided in the references cited above and are therefore rejected for the same reasons. Examiner takes official notice that specific tasks based on specific medical needs and users are well known in the art. These tasks may be all done manually traditionally by in the medical profession. The automation of manual and simple tasks are also held as not patentable under *In re Venner*, 120 USPQ 193 (CCPA 1958). Additionally, for the specific user's needs, as for example claimed in claim 7, see col. 2 lines 55-63 of Joao. Additionally, Examiner takes the position that how the information is organized, such as whether one would have one database having different folders and views, as opposed to multiple databases with specific information all linked together by a server, is considered designed choice, absent a showing of criticality. The choice of how the information are to be divided up and maintained are based on the who the users are and how the designer of the system want to organize it and distribute it.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh X. Nguyen whose telephone number is (703) 305-3522. The examiner can normally be reached on Monday to Thursday and alternate Fridays..

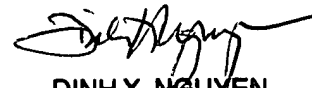
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

DXN
September 16, 2002



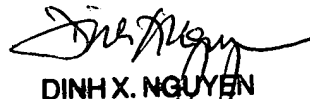
DINH X. NGUYEN
PRIMARY EXAMINER

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September 16, 2002


DINH X. NGUYEN
PRIMARY EXAMINER